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10 And Kieran Paul Cassidy

11 UNITED STATES DISTRICT COURT
12 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

13 REACHLOCAL, INC.,

14 Plaintiff,

15 vs.

16 PPC CLAIMS LIMITED AND
17 KIERAN PAUL CASSIDY,

18 Defendants
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Case No. 2:16-cv-1007-R-AJW

**DEFENDANTS PPC CLAIM
LIMITED AND KIERAN PAUL
CASSIDY'S EVIDENTIARY
OBJECTIONS TO THE
DECLARATIONS OF JILL
GLENNON, AMJAD KHAN, ALLIE
BYRD, SHARON ROWLANDS,
STEVEN DOLLAR, KRIS BARTON,
PARAS MANIAR, AND MATT
RAMSEY**

Defendants PPC Claims and Kieran Paul Cassidy, hereby object as follows to the evidence submitted in opposition to their Motion for Summary Judgment, of in the Alternative Partial Summary Judgment.

**EVIDENTIARY OBJECTIONS TO THE
DECLARATION OF JILL GLENNON**

<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
Page 1: 16-18. ¶ 3: “Defendants’ responses failed to comply with the requirements of the Federal Rules of Civil Procedure 33 and 36, raising untenable objections and refusing to provide substantive responses.”	Improper expert testimony.	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
	Assumes legal ruling on Defendants’ responses pursuant the requirements of the Federal Rules of Civil Procedure 33 and 36.	
	Assumes facts not in evidence.	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
	Lacks foundation [Fed. R. Evid. 901].	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled.
	Hearsay [Fed. R. Evid. 801].	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
	Best Evidence Rule [Fed. R. Evid. 1002].	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

1	<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
2			
3	Page 1: 28 - Page 2: 3. ¶ 4: “Despite	Assumes legal ruling	<input type="checkbox"/> Sustained
4	having conferred regarding the limited set	on Defendants’	<input type="checkbox"/> Overruled
5	of responses, Defendants raised the same,	responses pursuant the	
6	improper, boilerplate objections, refusing	requirements of the	
7	to produce documents or substantive	Federal Rules of Civil	
8	responses to the vast majority of	Procedure 33 and 36.	
9	ReachLocal’s requests.”		
10			
11		Best Evidence Rule	<input type="checkbox"/> Sustained
12		[Fed. R. Evid. 1002].	<input type="checkbox"/> Overruled
13			
14	Page 2: 7-11. ¶ 4: “I spent 12.2 hours	The amount of time	<input type="checkbox"/> Sustained
15	drafting a second Rule 37-1 letter, again	Declarant spends	<input type="checkbox"/> Overruled
16	setting forth Defendants’ obligations under	drafting a letter is	
17	the discovery rules to investigate the	irrelevant [Fed. R.	
18	responsive information in Defendants’	Evid. 402].	
19	possession, to provide that portion of the		
20	responsive material that is not	Improper expert	<input type="checkbox"/> Sustained
21	objectionable and to raise only those	testimony.	<input type="checkbox"/> Overruled
22	objections that are factually and legally	[Fed. R. Evid. 701-	
23	proper.”	703]	
24			
25		Assumes legal ruling	<input type="checkbox"/> Sustained
26		on Defendants’	<input type="checkbox"/> Overruled
27		responses pursuant the	
28		requirements of the	

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<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
	Federal Rules of Civil Procedure 33 and 36. Best Evidence Rule [Fed. R. Evid. 1002].	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Page 2: 14-17. ¶ 4: “The Exhibit included the disputed discovery requests verbatim, Defendants’ responses verbatim and the factual and legal authorities supporting ReachLocal’s arguments with respect to objections and responses Defendants made to each request.”	Best Evidence Rule [Fed. R. Evid. 1002].	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Page 2: 21-28. Page 3: 1-2. ¶ 6: “In light of Defendants’ deficient responses, ReachLocal could not proceed with Mr. Cassidy’s deposition on August 18.”	Lacks foundation [Fed. R. Evid. 901] ReachLocal provides no support for the purported deficiency of Defendants’ responses. Assumes facts not in evidence. Best Evidence Rule	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled <input type="checkbox"/> Sustained

1	<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
2		[Fed. R. Evid. 1002].	<input type="checkbox"/> Overruled
3		Improper expert	<input type="checkbox"/> Sustained
4		testimony.	<input type="checkbox"/> Overruled
5		[Fed. R. Evid. 701-	
6		703]	
7			
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9			
10	Page 3:21-26. ¶ 10: “ReachLocal’s Initial	[Best Evidence Rule	<input type="checkbox"/> Sustained
11	Disclosures identified Mr. Barton as the	[Fed. R. Evid. 1002].	<input type="checkbox"/> Overruled
12	individual with knowledge regarding the		
13	ReachLocal’s database of client and ex-		
14	client information. Mr. Barton was also		
15	identified as the person with knowledge		
16	regarding the means by which		
17	ReachLocal’s clients can be identified		
18	through publicly available search tools.		
19	Defendants have not deposed Mr. Barton		
20	or served any written discovery on		
21	ReachLocal whatsoever.”		
22			
23	Page 4: 14-19. ¶ 14: “I advised Mr.	Lacks	<input type="checkbox"/> Sustained
24	Syverson that Defendants had not	foundation/speculation	<input type="checkbox"/> Overruled
25	produced any documents responsive to the	[Fed. R. Evid. 901].	
26	first category of information. Mr. Syverson		
27	was referring to the spreadsheet reports		
28	generated by him, recently, and sent to		

1	<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
2			
3	ReachLocal by email as reflected in		
4	Exhibits 1-3 (the “August Reports”). Mr.		
5	Syverson responded that he printed the		
6	reports from Defendants’ SEMrush		
7	account at their direction.”		
8			
9	Page 5: 19-25. ¶ 18: “Regarding the third	Lacks	<input type="checkbox"/> Sustained
10	category of documents, Defendants’ efforts	foundation/speculation	<input type="checkbox"/> Overruled
11	to build a class action against ReachLocal,	[Fed. R. Evid. 901].	
12	Mr. Syverson had no response to the		
13	factual and legal arguments in my meet		
14	and confer letter. He offered to supplement		
15	his objections to these requests in five days		
16	– an obvious ploy to delay ReachLocal’s		
17	motion. I advised Mr. Syverson that he		
18	was required to have a response for me		
19	during the meet and confer and did not		
20	accept his proposal to amend the		
21	objections to these documents. <i>Id.</i> at 6:1-		
22	7:12.”		
23			
24	Pages 5:28-6:1. ¶ 19:	Lacks	<input type="checkbox"/> Sustained
25	“The transcript clearly reflects Mr.	foundation/speculation	<input type="checkbox"/> Overruled
26	Syverson refused to produce the	[Fed. R. Evid. 901].	
27	documents and was only offering to		
28		Improper expert	<input type="checkbox"/> Sustained

1	<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
2			
3	expand on the objections. <i>Id.</i> at 9:23-	opinion.	<input type="checkbox"/> Overruled
4	11:16.”	[Fed. R. Evid. 701-	
5		703]	
6			
7	Page 6: 11-23. ¶ 22 “On August 15, 2015,	The amount of time	<input type="checkbox"/> Sustained
8	I began drafting the motion to compel.	Declarant spent	<input type="checkbox"/> Overruled
9	Although I was on vacation that week, I	drafting the motion	
10	spent 47.7 hours drafting the motion.	and her location	
11	Because Defendants refused to produce	and/or work status	
12	any portion of the disputed discovery	during that time are	
13	requests, the joint stipulation required	irrelevant to the	
14	extensive work. In order to understand the	present matter. [Fed.	
15	relevance of ReachLocal’s requests and	R. Evid. 402].	
16	explain Defendants’ outright failures to		
17	provide documents which clearly exist and	Lacks foundation	<input type="checkbox"/> Sustained
18	are within Defendants’ possession custody	[Fed. R. Evid. 602 and	<input type="checkbox"/> Overruled
19	and control, I worked with ReachLocal to	901].	
20	provide declarations regarding their		
21	Database and the means by which a subset	Improper expert	<input type="checkbox"/> Sustained
22	of the clients in ReachLocal’s Database	testimony.	<input type="checkbox"/> Overruled
23	may be readily obtained using tools that	[Fed. R. Evid. 701-	
24	“scrape” the Internet and compile a list of	703]	
25	data. This extensive work that I was forced		
26	to complete as a result of Defendants’		
27	refusal to produce a bevy of relevant, non-		
28	privileged documents in their possession		

1	<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
2			
3	could not be completed until Monday,		
4	August 22, when we served Defendants		
5	with ReachLocal's portion of the Joint		
6	Stipulation."		
7			
8	Page 6: 24-25. ¶ 23: "The remaining	Lack of personal and	<input type="checkbox"/> Sustained
9	current and former clients in the Database	foundation [Fed. R.	<input type="checkbox"/> Overruled
10	are not readily identifiable."	Evid. 602 and 901].	
11			
12		Improper expert	<input type="checkbox"/> Sustained
13		testimony.	<input type="checkbox"/> Overruled
14		[Fed. R. Evid. 701-	
15		703]	
16			
17	Pages 6: 27-28-7:6. ¶ 24: "Approximately	Hearsay [Fed. R. Evid.	<input type="checkbox"/> Sustained
18	35 of ReachLocal's clients reported being	801].	<input type="checkbox"/> Overruled
19	contacted by Defendants (the "35 Reported		
20	Contacts"). Most of these clients	Mischaracterizes	<input type="checkbox"/> Sustained
21	forwarded the communications from	Plaintiff's contact with	<input type="checkbox"/> Overruled
22	Defendants. In support of the Motion to	its clients by using the	
23	Compel, ReachLocal provided the	word "most" instead	
24	declaration of Paras Maniar, who	of specifying the	
25	authenticated 5 of the emails and LinkedIn	easily ascertainable	
26	communications from Defendants."	number of clients who	
27		forwarded	
28		communications from	

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<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
	Defendants’.	
	Lack of personal and foundation [Fed. R. Evid. 602 and 901].	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
	Best Evidence Rule [Fed R. Evid. 1002].	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Page 7:15. ¶ 26: “Mr. Syverson’s declaration was provably false.”	Asserts knowledge of Mr. Syverson’s statements beyond her possible knowledge. Assumes facts not in evidence. Improper characterization of evidence. Misstates testimony. Lacks personal knowledge and foundation [Fed. R. Evid. 602 and 901].	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
	Best Evidence Rule [Fed. R. Evid. 1002].	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
	Improper expert	<input type="checkbox"/> Sustained

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<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
	testimony. [Fed. R. Evid. 701-703]	<input type="checkbox"/> Overruled
Pages 7:16-8:1. ¶ 27: “To determine whether the SEMrush and SEO Raven reports provided by Mr. Syverson identified the 35 Reported Contacts, I analyzed each of the August Reports in consultation with ReachLocal. I quickly noticed that the spreadsheets included duplicative entries for many of the websites in the report. I sorted two of the spreadsheets alphabetically, I merged duplicative cells and I counted the number of clients identified in each spreadsheet. My colleague sorted the third spreadsheet, merged the cells and counted the unique client entries. I counted only 692 unique client entries in the spreadsheet attached to Exhibit 1 . My colleague counted only 157 unique client entries in the spreadsheet attached as Exhibit 2 . In Exhibit 8 , Mr. Syverson testified these first two spreadsheets identified 7,000 ReachLocal clients. In fact, the identified	Lacks personal knowledge and foundation [Fed. R. Evid. 602 and 901]. Improper expert testimony. [Fed. R. Evid. 701-703].	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

1	<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
2			
3	approximately 850 websites. With respect		
4	to the third spreadsheet, which was		
5	attached to Exhibit 3 , I counted only 3034		
6	unique client entries (not the over 47,000		
7	Mr. Syverson testified to).”		
8			
9	Pages 8:1-10, ¶ 27: “Mr. Barton provided a	Lacks personal	<input type="checkbox"/> Sustained
10	declaration stating that he analyzed the	knowledge and	<input type="checkbox"/> Overruled
11	August Reports and concluded the	foundation [Fed. R.	
12	SEMrush reports found ReachSearch	Evid. 602 and 901].	
13	clients whose proxy urls had been copied		
14	and pasted into another website. Mr.	Improper expert	<input type="checkbox"/> Sustained
15	Barton testified the SEO Raven report	testimony.	<input type="checkbox"/> Overruled
16	identified ReachEdge clients. 17 of the 35	[Fed. R. Evid. 701-	
17	Reported Contacts were in the SEO Raven	703].	
18	Report. I found 2 of the 35 Reported		
19	Contacts in the SEMrush reports. Another	Best Evidence Rule	<input type="checkbox"/> Sustained
20	of the 35 Reported Contacts did not appear	[Fed. R. Evid. 1002].	<input type="checkbox"/> Overruled
21	in the August Reports, but provided a		
22	public testimonial on ReachLocal’s		
23	website. Finally, the documents produced	Hearsay [Fed. R. Evid.	<input type="checkbox"/> Sustained
24	by Defendants evidenced the sources for 2	801].	<input type="checkbox"/> Overruled
25	more of the 35 Reported Contacts.		
26	Accordingly, there is no evidence		
27	explaining how Defendants identified 13		
28	of the 35 Reported Contacts.”		

1	<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
2			
3			
4	Page 8:11-17. ¶ 28: “The newly produced	Lacks personal	<input type="checkbox"/> Sustained
5	materials included some, but not all, of	knowledge and	<input type="checkbox"/> Overruled
6	Defendants’ communications with	foundation/speculation	
7	ReachLocal’s customers, including	[Fed. R. Evid. 602 and	
8	spreadsheet reports that appear to indicate	901].	
9	that Defendants sent approximately 2778		
10	emails to ReachLocal customers, using an		
11	email marketing service called iContact.”		
12			
13	Pages 8:17-9:2, ¶ 28. “I observed a	Lacks personal	<input type="checkbox"/> Sustained
14	ReachLocal employee click on the	knowledge and	<input type="checkbox"/> Overruled
15	“unsubscribe” link at the bottom of one of	foundation/speculation	
16	the emails sent by PPC Claim. The email	[Fed. R. Evid. 602 and	
17	was substantially of the form of Beecher	901].	
18	Dec. Exhibits 1-6, which are attached to		
19	the Khan Declaration as Exhibit 44. When	Improper expert	<input type="checkbox"/> Sustained
20	clicked, the link sent the employee to a	testimony.	<input type="checkbox"/> Overruled
21	website managed by iContact. Based upon		
22	this test, the file names of the spreadsheets		
23	(which refer to iContact) and my review of		
24	the email addresses, the spreadsheets		
25	appear to include the email addresses for		
26	the recipients of emails PPC sent using		
27	iContact. Once I sorted and de-duplicated		
28	the spreadsheet, there were 729 unique		

1	<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
2			
3	email addresses that appear related to		
4	ReachLocal clients current or former		
5	clients, because the email addresses		
6	reference ReachLocal client names and/or		
7	websites. ReachLocal is still in the process		
8	of reviewing the iContact spreadsheet to		
9	determine how many email addresses		
10	relate to current or former clients, but I		
11	was able to find 15 of the 35 Reported		
12	Contacts in the iContact spreadsheet.”		
13			
14	Page 9: 3-9. ¶ 29: “The documents also	Lacks personal	<input type="checkbox"/> Sustained
15	include spreadsheet reports that appear to	knowledge and	<input type="checkbox"/> Overruled
16	have been generated from SEMrush or	foundation [Fed. R.	
17	other third party software in or about	Evid. 602 and 901].	
18	February, 2016 (the “February Reports”).		
19	Like the August Reports, there were many	Improper expert	<input type="checkbox"/> Sustained
20	duplicate entries in these spreadsheets.	testimony. [Fed. R.	<input type="checkbox"/> Overruled
21	Once I sorted and de-duplicated these	Evid 701-703]	
22	reports, I counted only 156 websites that		
23	appear to be for ReachLocal clients mostly		
24	in the U.K. I have not cross-referenced the		
25	February Reports with the August		
26	Reports.”		
27			
28	Page 9:10-20. ¶ 30: “I was only able to	Lacks personal	<input type="checkbox"/> Sustained

1	<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
2			
3	connect 6 of the 729 email addresses with	knowledge and	<input type="checkbox"/> Overruled
4	websites identified in the February	foundation [Fed. R.	
5	Reports. I was able to do this by matching	Evid. 602 and 901].	
6	the website address with the email address.		
7	Therefore, it does not appear the February	Improper expert	<input type="checkbox"/> Sustained
8	Reports were the source for 723 of the	testimony. [Fed. R.	<input type="checkbox"/> Overruled
9	emails sent via iConnect. I reviewed the	Evid 701-703]	
10	remaining documents produced by		
11	Defendants and was only able to find		
12	documentary evidence regarding the		
13	source of two other ReachLocal clients		
14	contacted by Cassidy. Both were in the list		
15	of 35 Reported Contacts. I found one in the		
16	February Reports. The other was referred		
17	to Cassidy by another ReachLocal client		
18	via email. Accordingly, the documents		
19	produced by Defendants at most		
20	demonstrate how Cassidy actually		
21	identified 8 of the ReachLocal clients he		
22	contacted.”		
23			
24	Page 9: 21-22. ¶ 31: “I searched through	Lacks personal	<input type="checkbox"/> Sustained
25	the August Reports and was able to relate	knowledge and	<input type="checkbox"/> Overruled
26	133 of the 729 email addresses to websites	foundation [Fed. R.	
27	in those <i>ex post facto</i> reports.”	Evid. 602 and 901].	
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<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
	Improper expert testimony.	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Page 9: 23-28, Page 10: 1-7. ¶ 32: “Following service of ReachLocal’s motion to compel, Defendants also supplemented their written discovery responses. In their portion of the Joint Stipulation that was filed August 30 in connection with ReachLocal’s motion to compel Defendants advise the Court only two disputed categories of documents remain at issue: “(1) whether Defendants are helping to build a class action against [ReachLocal], something that has nothing to do with this case and would implicate serious privilege issues and (2) interrogatories regarding whether Defendants are correct that [ReachLocal] lied to its customers, something that is wholly irrelevant since [ReachLocal] has not brought a defamation claim.”	Best Evidence Rule [Fed. R. Evid. 1002]. Mischaracterizes the contents of the document.	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 7	Mr. Maniar’s “declaration” in unsigned and therefore	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
	not a declaration.	
Exhibit 17	Hearsay [Fed. R. Evid. 801].	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
	Lacks foundation [Fed. R. Evid. 901].	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

**EVIDENTIARY OBJECTIONS TO THE
DECLARATION OF AMJAD KHAN**

<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
Page 2:10-15. ¶ 9: “Attached hereto as Exhibit 8 is a true and correct copy of the report regarding Cassidy’s director disqualification obtained from the United Kingdom’s registrar of companies (“Companies House”), an executive agency and trading fund of Her Majesty’s government.”	Hearsay [Fed. R. Evid. 801]. Lacks personal knowledge and foundation [Fed. R. Evid. 602 and 901]. Best Evidence Rule [Fed. R. Evid. 1002].	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

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<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
Page 4:3-4. ¶ 18: “On his page, Cassidy advertises his interest in connecting with “any ex-ReachLocal Internet Marketing Consultants[.]”	Best Evidence Rule [Fed. R. Evid. 1002].	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Page 4:8-10. ¶ 19: “PPC Claim’s Annual Report discloses that Trafiki owned all of PPC Claim’s outstanding shares as of the date of the return. Ex. 18, p. 74.”	Best Evidence Rule [Fed. R. Evid. 1002].	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Page 4:11-26. ¶ 20: “ReachLocal is unable to fully and fairly oppose the MSJ because, as detailed below, Defendants have thwarted ReachLocal’s diligent discovery attempts at every turn. Through no fault of its own, ReachLocal is	Hearsay [Fed. R. Evid. 801]. Speculates on causal relationship between Plaintiff’s ability to oppose the MSJ and Defendants’ responses to discovery. Mischaracterization of Plaintiff’s discovery attempts. Inaccurately shifts scheduling responsibilities solely to Defendants	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
<p>unable to depose named Defendant and PPC Claim's 30(b)(6) designee, Kieran Cassidy, until Saturday, October 1, in London, which date is confirmed and scheduled to proceed. By the time Defendants' MSJ is heard on October 3, Mr. Cassidy's deposition will be completed but ReachLocal would not have had an opportunity to rely on Mr. Cassidy's deposition testimony in its opposition papers. In addition, more than three months after serving written discovery, ReachLocal still has not received critical documents it requested, and to which it is entitled, from Defendants. For example, as of the date of</p>	<p>while misstating Plaintiff's access to deposition testimony. Assumes facts not in evidence. Improper characterization of evidence. Misstates testimony. Lacks personal knowledge and foundation [Fed. R. Evid. 602 and 901].</p> <p>Best Evidence Rule [Fed. R. Evid. 1002].</p> <p>Improper expert testimony. [Fed. R. Evid. 701-703]</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p> <p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>

<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
<p>1 this filing, Defendants</p> <p>2 have not produced</p> <p>3 documents relating to</p> <p>4 Defendants’ alleged</p> <p>5 litigation-related</p> <p>6 communications that they</p> <p>7 have previously promised</p> <p>8 to produce. Attached</p> <p>9 hereto as Exhibit 19 is a</p> <p>10 true and copy of an email</p> <p>11 from Mr. Lesowitz</p> <p>12 promising to produce</p> <p>13 more documents. Notably,</p> <p>14 Defendants have asserted</p> <p>15 litigation privilege as one</p> <p>16 of their grounds to move</p> <p>17 for summary judgment. ”</p>		
<p>20 Page 4:27-28; Page 5:1-7.</p> <p>21 ¶ 21: “I requested</p> <p>22 Defendants to delay</p> <p>23 bringing their MSJ until</p> <p>24 after ReachLocal had</p> <p>25 completed Mr. Cassidy’s</p> <p>26 deposition on October 1</p> <p>27 and received previously</p> <p>28 promised written</p>	<p>Hearsay [Fed. R. Evid. 801].</p> <p>Speculates on Defendants’ intent in filing the MSJ. Assumes facts not in evidence. Improper characterization of evidence. Misstates testimony. Lacks personal knowledge and foundation [Fed. R. Evid. 602 and 901].</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p> <p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>

<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
<p>discovery, but they refused. I subsequently requested Defendants to stipulate to a longer briefing schedule, but they again refused. Instead, Defendants deliberately filed their MSJ before ReachLocal could reasonably complete essential fact discovery in the hopes they could gain a strategic advantage. Attached hereto as Exhibit 20 is a true and correct copy of my correspondence with Defendants' counsel memorializing my requests of Defendants' counsel."</p>	<p>Best Evidence Rule [Fed. R. Evid. 1002].</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>Page 5:8-20. ¶ 22: "As set forth in my detailed declaration in support of ReachLocal's <i>ex parte</i> application to</p>	<p>Hearsay [Fed. R. Evid. 801]. Speculates that Defendants had documents in their possession that they</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
<p>1 modify the scheduling</p> <p>2 order (Dkt. No. 77) and</p> <p>3 again in the paragraphs</p> <p>4 below, ReachLocal has</p> <p>5 sought to schedule the</p> <p>6 deposition of Defendant</p> <p>7 Kieran Paul Cassidy</p> <p>8 (“Cassidy”) since May,</p> <p>9 2016. The originally</p> <p>10 scheduled date of August</p> <p>11 18 was taken off calendar</p> <p>12 because Defendants</p> <p>13 refused to produce any</p> <p>14 documents in their</p> <p>15 possession prior to that</p> <p>16 date. Defendants also</p> <p>17 refused to produce Mr.</p> <p>18 Cassidy for deposition for</p> <p>19 the entire month of</p> <p>20 September. Consequently,</p> <p>21 ReachLocal will not be</p> <p>22 able to depose Cassidy</p> <p>23 until October 1, 2016 in</p> <p>24 London – almost three</p> <p>25 weeks after ReachLocal’s</p> <p>26 Opposition is due and two</p>	<p>refused to produce. Assumes facts not</p> <p>in evidence. Improper characterization</p> <p>of evidence. Misstates testimony.</p> <p>[Fed. R. Evid. 602 and 901].</p> <p>Best Evidence Rule [Fed. R. Evid.</p> <p>1002].</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>

<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
<p>1 days prior to the</p> <p>2</p> <p>3 scheduled hearing date on</p> <p>4 the motion. ReachLocal</p> <p>5 has also moved to compel</p> <p>6 discovery responses to its</p> <p>7 initial written discovery</p> <p>8 requests served on</p> <p>9 Defendants on June 10,</p> <p>10 2016. The motion is</p> <p>11 currently scheduled for</p> <p>12 the first available hearing</p> <p>13 date on October 3 – the</p> <p>14 same day as the MSJ</p> <p>15 hearing.”</p>		
<p>17 Page 6:1-16. ¶ 25:</p> <p>18 “On May 19, I sent an</p> <p>19 email to Defendants’</p> <p>20 counsel requesting</p> <p>21 available dates for Mr.</p> <p>22 Cassidy’s deposition. On</p> <p>23 May 23, I again sent an</p> <p>24 email asking for available</p> <p>25 dates. On July 7, having</p> <p>26 not heard back from</p> <p>27 Defendants’ counsel in</p> <p>28 seven weeks, I again</p>	<p>Hearsay [Fed. R. Evid. 801].</p> <p>Best Evidence Rule [Fed. R. Evid. 1002].</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p> <p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>

1 2	<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	<p>requested available dates for Mr. Cassidy and advised Defendants' counsel that we would select a unilateral date if we do not hear back. On July 8, Defendants' counsel responded to the email and proposed August 26 for the deposition of Mr. Cassidy (a single date) in London. On July 12, I responded that I could take Mr. Cassidy's deposition on August 18 or 19 in London. On July 13, Defendants' counsel responded that August 19 could work. I responded asking if August 18 could work since I wanted to be back for my son's first day of kindergarten, if possible. Defendants' counsel agreed to August</p>		

<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
<p>18. At the time I originally agreed to this date, Defendants’ discovery responses were not due for another three weeks, and we fully expected and anticipated receiving responsive discovery well before August 18. That never happened. Attached hereto as Exhibit 22 is a true and correct copy of the correspondence regarding Mr. Cassidy’s deposition.”</p>		
<p>Page 6:28; Page 7:1-7. ¶ 28: “I was concerned they would suffer from the same deficiencies as the limited responses received on July 19. I requested Defendants to agree to address any deficiencies in their discovery requests on August 2, 2016, during</p>	<p>Hearsay [Fed. R. Evid. 801].</p> <p>Projects concerns of Plaintiff’s counsel as facts. Offers conclusory statements regarding the sufficiency of Defendants’ responses. Assumes facts not in evidence. Improper characterization of evidence. Misstates testimony. Lacks personal knowledge</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p> <p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>

<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
<p>our previously scheduled meet and confer on the limited set of discovery responses. Defendants refused. In addition, I had other scheduled court and case activity for other cases in Los Angeles on August 18. A true and correct copy of the correspondence between counsel is attached hereto as Exhibits 29-30.”</p>	<p>and foundation [Fed. R. Evid. 602 and 901].</p> <p>Best Evidence Rule [Fed. R. Evid. 1002].</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>
<p>Page 7:8-19. ¶ 29: “On August 2, counsel conferred regarding Defendants’ deficient responses to the limited discovery after Defendants deposed ReachLocal’s CEO, Sharon Rowlands. At that meeting, I asked again whether Cassidy was available for deposition in September. Defendants’</p>	<p>Hearsay [Fed. R. Evid. 801].</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>

<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
counsel advised for the first time that Mr. Cassidy was not at all available for the entire month of September. That same day, I sent an email to Defendants' counsel proposing the dates of September 15 and September 22 and again asking for available dates in September. In response, I received an email from Mr. Cassidy himself (in which he copied myself and my associate, Kete Barnes) advising us of his schedule. Defendants' counsel immediately informed us that Mr. Cassidy had sent an inadvertent privileged email and for us to immediately delete it. Though we do not believe		

<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
the email was privileged, we deleted it in good faith.”		
Pages 7:23-8:13. ¶ 30: “Those responses were glaringly deficient. ReachLocal served 12 interrogatories and 38 document requests on PPC Claim and 11 interrogatories and 42 document requests on Mr. Cassidy). Both defendants provided substantive responses to only the same 3 interrogatories and agreed to produce documents in response to the same 5 requests for production of documents. With respect to the remaining interrogatories and document requests, Defendants served boilerplate objections, providing no substantive	Hearsay [Fed. R. Evid. 801]. Offers conclusory statements regarding the sufficiency of responses. Speculates on prejudice arising from scheduling of deposition dates. Assumes facts not in evidence. Improper characterization of evidence. Lacks personal knowledge and foundation [Fed. R. Evid. 602 and 901]. Best Evidence Rule [Fed. R. Evid. 1002]. Improper expert testimony. [Fed. R. Evid. 701-703]	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
responses whatsoever. True and correct copies of Defendants' responses are attached hereto as Exhibits 31-36. I then sent an email to Defendants' counsel, advising that because Defendants' discovery responses were plainly deficient, the proposed August 18 date would not be acceptable (i.e., we needed responsive information to adequately take Mr. Cassidy's deposition), and that in any event, we had scheduling conflicts on that date. I also advised that the proposed October dates were unworkable because the discovery cut- off date was October 3 and explained why that we would be prejudiced to		

1	<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
2			
3	conduct further discovery		
4	after Mr. Cassidy's		
5	deposition if it proceeded		
6	on that date. We also		
7	proposed a 14-day or 21-		
8	day extension of the		
9	discovery cut-off date		
10	(and corresponding dates)		
11	to accommodate		
12	Defendants' counsel		
13	proposed October 3 date."		
14			
15	Page 8:14-21. ¶ 31:	Hearsay [Fed. R. Evid. 801].	<input type="checkbox"/> Sustained
16	"On August 5,		<input type="checkbox"/> Overruled
17	Defendants' counsel sent		
18	an email rejecting any	Offers conclusory statements regarding	<input type="checkbox"/> Sustained
19	proposed dates in	the sufficiency of responses.	<input type="checkbox"/> Overruled
20	September and insisting	Speculates on prejudice arising from	
21	on dates in October,	scheduling of deposition dates.	
22	including October 1 and 2	Assumes facts not in evidence.	
23	(a Saturday and Sunday		
24	before the October 3 cut-	Improper characterization of evidence.	<input type="checkbox"/> Sustained
25	off date). See Exhibit 37 .	Lacks personal knowledge and	<input type="checkbox"/> Overruled
26	Defendants' counsel also	foundation [Fed. R. Evid. 602 and	
27	rejected any proposed	901].	
28	modification of the		

<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
<p>scheduling order. Later that day, I responded to Defendants' counsel again explaining the full and accurate record of meet and confer communications and advising that his proposed dates were unworkable. I also offered to wait a few days to have his client, Mr. Cassidy, confirm whether September 22 could work."</p>	<p>Best Evidence Rule [Fed. R. Evid. 1002].</p> <p>Improper expert testimony. [Fed. R. Evid. 701-703]</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p> <p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>
<p>Pages 8:25-9:3. ¶ 33: "On August 5, ReachLocal sent Defendants another Rule 37-1 Letter detailing the deficiencies in Defendants' recent responses to the remaining discovery. Defendants only provided substantive responses to the same 3 interrogatories</p>	<p>Hearsay [Fed. R. Evid. 801].</p> <p>Offers conclusory statements regarding the sufficiency of responses. Assumes facts not in evidence. Improper characterization of evidence. Lacks personal knowledge and foundation [Fed. R. Evid. 602 and 901].</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p> <p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>

<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
<p>and only agreed to produce documents in response to the same 5 document requests. Defendants agreed to confer with ReachLocal on the last possible day. A true and correct copy of ReachLocal's August 5, 2016 letter (exhibit omitted) is attached hereto as Exhibit 38."</p>	<p>Best Evidence Rule [Fed. R. Evid. 1002].</p> <p>Improper expert testimony. [Fed. R. Evid. 701-703]</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p> <p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>Page 10:4-9. ¶ 40: "These declarations contradict information provided to ReachLocal from its partner agent that worked directly with InLight Gobos and GoMow, Matt Ramsey at Compass Point LLC. <i>See</i> Declaration of Matt Ramsey, and the information provided by the two ReachLocal</p>	<p>Hearsay [Fed. R. Evid. 801].</p> <p>Offers information provided to Plaintiff from its partner agent that worked directly with InLight Gobos and GoMow as fact that would contradict declarations, whereas such information was never substantiated.</p> <p>Assumes facts not in evidence.</p> <p>Improper characterization of evidence.</p> <p>Misstates testimony. Lacks personal</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p> <p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

1	<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
2			
3	partner specialists who	knowledge and foundation [Fed. R.	
4	managed these accounts,	Evid. 602 and 901].	
5	Steven Dollar and Allie		
6	Byrd, all filed	Best Evidence Rule [Fed. R. Evid.	<input type="checkbox"/> Sustained
7	concurrently with	1002].	<input type="checkbox"/> Overruled
8	ReachLocal's		
9	Opposition.”	Improper expert testimony. [Fed. R.	<input type="checkbox"/> Sustained
10		Evid. 701-703.]	<input type="checkbox"/> Overruled
11			
12	Pages 10:16-11:9. ¶ 42:	Offers speculative and conclusory	<input type="checkbox"/> Sustained
13	“Mr. Hutton’s testimony	statements regarding testimony that are	<input type="checkbox"/> Overruled
14	casts doubt on certain	incorrect. <i>See Hutton Transcripts.</i>	
15	portions of his prior		
16	declaration and, at the	Improper expert opinion. [Fed. R.	<input type="checkbox"/> Sustained
17	very minimum, shows a	Evid. 701-703.]	<input type="checkbox"/> Overruled
18	genuine issue of material		
19	fact as to whether InLight	Lacks foundation [Fed. R. Evid. 602	<input type="checkbox"/> Sustained
20	stopped using ReachLocal	and 901].	<input type="checkbox"/> Overruled
21	products due, in part, to		
22	Cassidy’s activities. For		
23	example, Mr. Hutton		
24	testified that: (1) he had		
25	an oral contract with		
26	Compass Point, used		
27	ReachLocal products for		
28	three years and spent over		

1	<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
2			
3	\$36,000 during that time;		
4	(2) he felt Cassidy's		
5	allegations about		
6	ReachLocal were		
7	important enough to send		
8	to Matt Ramsey; (3) he		
9	went to Mr. Ramsey's		
10	office in-person to discuss		
11	the contents of Cassidy's		
12	allegations about		
13	ReachLocal, including the		
14	allegation that		
15	ReachLocal hides their		
16	margins; (4) Mr. Ramsey		
17	took seriously the emails		
18	of Cassidy that InLight		
19	had forwarded to him; (5)		
20	Mr. Ramsey reasonably		
21	reviewed the contents of		
22	Cassidy's allegations		
23	because they were		
24	forwarded to him by		
25	InLight; and (6) that he		
26	was not surprised that Mr.		
27	Ramsey interpreted the		
28	email Ms. Adriana Hutton		

1	<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
2			
3	forwarded to him with		
4	Cassidy’s messages		
5	attached by InLight as		
6	“questioning continuing		
7	with ReachLocal.”		
8	Moreover, Ms. Hutton		
9	testified she interacted		
10	with Mr. Cassidy, not Mr.		
11	Hutton, and that she was		
12	“bothered” and “annoyed”		
13	by Cassidy’s messages		
14	and wanted them to stop –		
15	clear evidence of Cassidy		
16	disrupting the InLight		
17	contract with Compass		
18	Point – which further		
19	undercuts Mr. Hutton’s		
20	declaration. When a final		
21	transcript has been		
22	prepared and signed,		
23	ReachLocal will proffer		
24	this additional evidence in		
25	support of its contractual		
26	interference claim.”		
27			

28

<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
<p>Page 11:10-14. ¶ 43:</p> <p>“ReachLocal has attempted to meet and confer in good faith with Defendants. ReachLocal has accommodated Defendants’ requests for extensions, provided alternative dates for the deposition of ReachLocal’s CEO, and has responded promptly to issues raised by Defendants. Defendants have not reciprocated ReachLocal’s cooperation and professionalism.”</p>	<p>Lacks foundation/speculation [Fed. R. Evid. 602 and 901].</p> <p>Improper expert opinion. [Fed. R. Evid. 701-703].</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p> <p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>
<p>Page 11:15-20. ¶ 44:</p> <p>“ReachLocal should have an opportunity to depose Cassidy, obtain all relevant, non-privileged documents it requested more than three months ago, inspect Cassidy’s</p>	<p>Arrives at conclusions of law without substantiation. Speculates at the results of discovery requests. Assumes facts not in evidence. Improper characterization of evidence. Lacks foundation [Fed. R. Evid. 602, 701-703 and 901].</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>

<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
<p>electronic devices, and depose and review documents from InLight Gobos before opposing the MSJ. As set forth below, ReachLocal reasonably believes it will obtain facts from this discovery that will further bolster genuine issues of material fact sufficient to defeat the MSJ.”</p>		
<p>Page 12:1-4. ¶ 45: “Defendants...do not represent any of ReachLocal’s clients in connection with a lawsuit or arbitration.”</p>	<p>Lacks personal knowledge and foundation [Fed. R. Evid. 602 and 901].</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>Page 12:6-23. ¶ 46: “Defendants have served on ReachLocal two contradicting sworn affidavits from Cassidy regarding the scope of</p>	<p>Offers conclusory statements speculating on the results of discovery requests. Asserts improper accusation of Mr. Cassidy’s credibility, while “thousands” and “tens of thousands” are not contradictory. Assumes facts</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
<p>1 ReachLocal's database</p> <p>2 that he possesses. Cassidy</p> <p>3 threatened ReachLocal's</p> <p>4 CEO that he possessed the</p> <p>5 entirety of ReachLocal's</p> <p>6 database of former and</p> <p>7 current customers.</p> <p>8 Cassidy's credibility is</p> <p>9 plainly at issue.</p> <p>10 ReachLocal believes he</p> <p>11 possesses the entire and</p> <p>12 former customer database,</p> <p>13 and it is not possible for</p> <p>14 Cassidy to have obtained</p> <p>15 that database through</p> <p>16 proper means.</p> <p>17 ReachLocal reasonably</p> <p>18 expects to obtain facts</p> <p>19 from Cassidy's deposition</p> <p>20 that verify the exact scope</p> <p>21 of what he possesses or</p> <p>22 further undercut his</p> <p>23 credibility. The scope of</p> <p>24 what Cassidy possesses is</p> <p>25 critical to support</p> <p>26 essential elements of</p> <p>27</p> <p>28</p>	<p>not in evidence. Improper</p> <p>characterization of evidence. Misstates</p> <p>testimony. Lacks personal knowledge</p> <p>and foundation [Fed. R. Evid. 602 and</p> <p>901].</p> <p>Improper expert testimony. [Fed. R.</p> <p>Evid. 701-703.]</p> <p>Best Evidence Rule [Fed. R. Evid.</p> <p>1002].</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p> <p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>

1	<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
2			
3	ReachLocal's claims for		
4	misappropriation and		
5	attempted extortion.		
6	Specifically, ReachLocal		
7	expects that the facts it		
8	obtains related to the		
9	scope of what Cassidy		
10	possesses will create		
11	genuine issues of material		
12	fact as to his acquisition		
13	of ReachLocal's database		
14	through improper means		
15	and his intention to extort		
16	money or property from		
17	ReachLocal."		
18			
19	Pages 12:24-13:4. ¶ 47:	Conflates all means of discovering	<input type="checkbox"/> Sustained
20	"Cassidy appears to have	Plaintiff's customer identities with	<input type="checkbox"/> Overruled
21	contacted approximately	iConnect, then refutes the possibility of	
22	700 current and former	obtaining all such identities through	
23	ReachLocal customers	iConnect. Speculates that discovery	
24	through iConnect. He	will substantiate Plaintiff's claims.	
25	claims to have discovered	Assumes facts not in evidence.	
26	those customer identities	Improper characterization of evidence.	
27	through proper, public	Misstates testimony. Lacks personal	
28	sources. However, the		

<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
documentary evidence he has provided to ReachLocal account for how he discovered only 8 of the 729 customers he contacted through iConnect; the remaining 721 remain a mystery. ReachLocal reasonably expects to obtain facts from Cassidy's deposition related to whether he used proper means to identify the 723 unaccounted for customers – an essential element of ReachLocal's misappropriation claim."	knowledge and foundation [Fed. R. Evid. 602 and 901]. Best Evidence Rule [Fed. R. Evid. 1002]. Improper expert testimony [Fed. R. Evid. 701-703]	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Page 13:5-14. ¶ 48: "Defendants have served on ReachLocal two contradicting sworn affidavits from Cassidy regarding the number of Google and other search engine searches he performed to find the	Offers conclusory statements speculating on the results of discovery requests. Asserts improper accusation of Mr. Cassidy's credibility, while "thousands" and "tens of thousands" are not contradictory. Assumes facts not in evidence. Improper characterization of evidence. Misstates testimony. Lacks personal knowledge	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
<p>identities of ReachLocal customers. ReachLocal reasonably expects to obtain further facts from Cassidy’s deposition regarding the number of searches he actually performed. This evidence will likely create a genuine issue of material fact sufficient to defeat summary judgment with respect to (1) the difficulty of re-creating ReachLocal’s database, which goes to the defense of the customer database being readily ascertainable; and (2) the improper means by which Cassidy obtained the identities of ReachLocal customers by improperly clicking on ads generated by his searches, amounting to click fraud.”</p>	<p>and foundation [Fed. R. Evid. 602 and 901].</p> <p>Improper expert testimony. [Fed. R. Evid. 701-703.]</p> <p>Best Evidence Rule [Fed. R. Evid. 1002].</p> <p>Hearsay in regards to Google’s policies. [Fed. R. Evid. 801-803.]</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p> <p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p> <p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>

<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
<p>Page 13:15-21. ¶ 49:</p> <p>“Cassidy admits that he obtained the identities of some ReachLocal customers in conversations with other ReachLocal customers. ReachLocal reasonably expects to obtain facts from Cassidy’s deposition that he made misrepresentations to ReachLocal customers to obtain the identities of additional customers. This, too, is evidence that will likely create a genuine issue of material fact sufficient to defeat summary judgment regarding the improper means by which Cassidy obtained customer identities.”</p>	<p>Offers baseless speculation and conclusory statements on documents Plaintiff hopes exist. Assumes facts not in evidence. Improper characterization of evidence. Misstates testimony.</p> <p>Lacks personal knowledge and foundation. [Fed. R. Evid. 602 and 901].</p> <p>Improper expert testimony. [Fed. R. Evid. 701-703.]</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p> <p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>

<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
<p>Page 13:22-27. ¶ 50:</p> <p>“Cassidy admits that he obtained the identities of some ReachLocal customers in conversations with current and former ReachLocal employees. ReachLocal reasonably expects to obtain facts from Cassidy’s deposition that he made misrepresentations to current and former ReachLocal employees to obtain the identities of customers, which, in turn, will create a genuine issue of material fact regarding the improper means by which Cassidy obtained customer identities.”</p>	<p>Offers baseless speculation and conclusory statements regarding documents Plaintiff hopes exist. Assumes facts not in evidence. Improper (and incorrect) characterization of evidence. Misstates testimony. Lacks personal knowledge and foundation [Fed. R. Evid. 602 and 901].</p> <p>Best Evidence Rule [Fed. R. Evid. 1002].</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p> <p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>
<p>Pages 13:28-14:11. ¶ 51:</p> <p>“Despite having previously withdrawn their affirmative defense of litigation privilege,</p>	<p>Offers baseless speculation and conclusory statements regarding documents Plaintiff hopes exist. Assumes facts not in evidence. Improper characterization of evidence.</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>

<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
<p>Defendants now re-assert it in connection with their MSJ. Defendants contend that Cassidy's communications with ReachLocal regarding a payout for him were pre-litigation communications since he purported to represent numerous former customers in the U.K. and was contemplating in good faith a class action against ReachLocal in the U.S. ReachLocal disputes this contention vigorously. It reasonably expects to obtain further facts from Cassidy's deposition that show that he knew of no current or former customers who were contemplating in good faith a class action against ReachLocal and that he</p>	<p>Misstates testimony. Lacks personal knowledge and foundation [Fed. R. Evid. 602 and 901].</p> <p>Best Evidence Rule [Fed. R. Evid. 1002].</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>

<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
<p>has no discussions with any lawyer from Slater and Gordon about bringing a class action against ReachLocal in the U.S. These facts are necessary to further support ReachLocal’s arguments in opposition to summary judgment.”</p>		
<p>Page 14:12-16. ¶ 52: “Cassidy operates Trafiki, a business that competes with ReachLocal. ReachLocal reasonably expects to obtain further facts from Cassidy’s deposition regarding his competing business that goes to essential elements of ReachLocal’s unfair competition claim and will likely create a genuine issue of material fact sufficient to defeat</p>	<p>Offers baseless speculation and conclusory statements regarding documents Plaintiff hopes exist. Assumes facts not in evidence. Improper characterization of evidence. Misstates testimony. Lacks personal knowledge and foundation [Fed. R. Evid. 602 and 901].</p> <p>Improper expert opinion [Fed. R. Evid. 701-703].</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p> <p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

1	<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
2			
3	summary judgment on		
4	that claim.”		
5	Pages 14:24-15:3. ¶ 53:	Foundation and speculation and	<input type="checkbox"/> Sustained
6	“As set forth above, the	mischaracterization of the record. [Fed.	<input type="checkbox"/> Overruled
7	facts regarding	R. Evid. 602 and 901].	
8	Defendants’ efforts to		
9	build a class action in the	Best Evidence Rule [Fed. R. Evid.	<input type="checkbox"/> Sustained
10	U.S. are relevant to	1002].	<input type="checkbox"/> Overruled
11	Defendants’ litigation		
12	privilege defense.	Improper expert opinion. [Fed. R.	<input type="checkbox"/> Sustained
13	Defendants waived that	Evid. 701-703.]	<input type="checkbox"/> Overruled
14	defense in connection		
15	with the motion to		
16	compel, so they could		
17	argue these documents		
18	were irrelevant. Less than		
19	one week later, they		
20	reversed course and		
21	revived their litigation		
22	privilege defense, which		
23	is featured prominently in		
24	their motion for summary		
25	judgment. Defendants		
26	promised to produce		
27	responsive documents “in		

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1	<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
2			
3	short order,” but have yet		
4	to do so.”		
5			
6	Pages 15:7-16:7. ¶ 54:	Offers baseless speculation and	<input type="checkbox"/> Sustained
7	“These facts are relevant	conclusory statements regarding	<input type="checkbox"/> Overruled
8	to ReachLocal’s claims	evidence Plaintiff hopes exist while	
9	for tortious interference	providing no support for such claims.	
10	with contract and	Assumes facts not in evidence.	
11	prospective economic	Improper characterization of evidence	
12	advantage because they	(“thousands” and “tens of thousands”	
13	demonstrate Defendants	are not contradictory, for example).	
14	acted willfully and with	Misstates testimony. Lacks personal	
15	malice. They also	knowledge and foundation [Fed. R.	
16	demonstrate Defendants	Evid. 602 and 901].	
17	did not contemplate		
18	bringing a class action	Best Evidence Rule [Fed. R. Evid.	<input type="checkbox"/> Sustained
19	against ReachLocal in	1002].	<input type="checkbox"/> Overruled
20	good faith....Defendants’		
21	claim that they compiled a	Improper expert testimony [Fed. R.	<input type="checkbox"/> Sustained
22	list of ReachLocal clients	Evid. 701-703.]	<input type="checkbox"/> Overruled
23	and former clients		
24	through public sources is		
25	contradicted by their own		
26	admissions and sworn		
27	testimony, but the		
28	evidence ReachLocal has		

<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
presented and by the lack of any corroborating documentation in Defendants' belated production. Cassidy has testified he identified ReachLocal clients by purchasing lists from third parties, using software such as Scrapebox and Builtwith to scour the Internet, running thousands of searches and clicking on ads to look for "rtrk" in the url, investigating Facebook endorsements and Twitter followers. To date, Defendants have produced four spreadsheet reported that appear to have been generated in February. These reports were indisputably not the source for over 700 email addresses that received		

1	<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
2			
3	communications from		
4	Defendants. They have		
5	produced no other		
6	documents evidencing		
7	purchased reports, output		
8	from Builtwith and		
9	Scrapebox, handwritten		
10	notes or other running list		
11	created by Cassidy to		
12	keep track of the clients		
13	he identified. ReachLocal		
14	believes Defendants have		
15	failed to retain the		
16	documents evidence the		
17	database and the means		
18	Cassidy used to obtain it.		
19	ReachLocal has served		
20	inspection demands for		
21	Defendants' computer and		
22	phone. Defendants have		
23	objected to those		
24	inspection demands and		
25	refuse to produce the		
26	devices for inspection.		
27	ReachLocal needs this		
28	evidence in order to		

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<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
provide further proof that Cassidy's wrongful activity and interference was indeed a factor InLight considered when it decided to stop doing business with ReachLocal, thereby creating a genuine issue of material fact on this subject."		
Exhibit 2	Hearsay [Fed. R. Evid. 801]. Completeness Doctrine [Fed. R. Evid. 106]. Lacks Foundation [Fed. R. Evid. 901].	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 9	Hearsay [Fed. R. Evid. 801]. Lacks Foundation [Fed. R. Evid. 901].	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 13	Trafiki is not a party to this case. Hearsay [Fed. R. Evid. 801]. Lacks Foundation [Fed. R. Evid. 901].	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
Exhibit 14	Trafiki is not a party to this case. Hearsay [Fed. R. Evid. 801]. Lacks Foundation [Fed. R. Evid. 901].	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 15	Trafiki is not a party to this case. Hearsay [Fed. R. Evid. 801]. Lacks Foundation [Fed. R. Evid. 901].	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 16	Trafiki is not a party to this case. Hearsay [Fed. R. Evid. 801]. Lacks Foundation [Fed. R. Evid. 901].	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 20	Hearsay [Fed. R. Evid. 801].	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 28	Hearsay [Fed. R. Evid. 801].	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit 38	Hearsay [Fed. R. Evid. 801].	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
Exhibit 40	Hearsay [Fed. R. Evid. 801].	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

**EVIDENTIARY OBJECTIONS TO THE
DECLARATION OF ALLIE BYRD**

<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
Page 1: 19-23. ¶ 5. “On May 12, 2016, I learned from my colleague, Steven Dollar, who was handling the Compass Point account in my absence during maternity leave, that both GoMow and InLight Gobos had stopped using ReachLocal products. I understood from Mr. Dollar that these clients had done so after receiving communications from Kieran Cassidy and PPC Claim.”	Hearsay [Fed. R. Evid. 801]. Speculates on the motivations of third parties based on hearsay of Mr. Steven Dollar. Assumes facts not in evidence. Improper characterization of evidence. Misstates testimony. Lacks personal knowledge and foundation [Fed. R. Evid. 602 and 901].	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
<p>Page 1: 24-28. ¶ 6: “On August 2, 2016, I spoke on the phone with Mr. Ramsey at Compass Point about the GoMow and InLight Gobos accounts. During that call, he confirmed that both GoMow and InLight Gobos had terminated their relationship with Compass Point and ceased using ReachLocal products because of Mr. Cassidy’s communications to them.”</p>	<p>Hearsay [Fed. R. Evid. 801].</p> <p>Speculates on the motivations of third parties based on hearsay of Mr. Matt Ramsey. Assumes facts not in evidence. Improper characterization of evidence. Misstates testimony. Lacks personal knowledge and foundation [Fed. R. Evid. 602 and 901].</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p> <p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>

**EVIDENTIARY OBJECTIONS TO THE
DECLARATION OF SHARON ROWLANDS**

<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p>Lacks personal knowledge and foundation [Fed. R. Evid. 602 and 901]. Ms. Rowlands did not start working for ReachLocal until late</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>

1	<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
2			
3	[REDACTED]	2013. <i>Syverson Reply Decl.</i> , ¶ 4 & Exh. 4 (Rowlands Deposition Transcript), at 42:25-43:2, 53:19-21.	
4	[REDACTED]		
5	[REDACTED]		
6	[REDACTED]		
7	Page 2:13-16. ¶ 6.	Hearsay [Fed. R. Evid. 801].	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
8	[REDACTED]		
9	[REDACTED]		
10	[REDACTED]		
11	[REDACTED]		
12	[REDACTED]		
13	[REDACTED]		
14	[REDACTED]		
15	[REDACTED]		
16	[REDACTED]		
17	[REDACTED]		
18	[REDACTED]		
19	[REDACTED]		
20	Page 2:17-25. ¶ 7.	[REDACTED]	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
21	[REDACTED]		
22	[REDACTED]		
23	[REDACTED]		
24	[REDACTED]		
25	[REDACTED]		
26	[REDACTED]		
27	[REDACTED]		
28	[REDACTED]	[REDACTED] Improper characterization	

EVIDENTIARY OBJECTIONS TO THE
DECLARATION OF STEVEN DOLLAR

- 54 -
DEFENDANTS PPC CLAIM LIMITED AND KIERAN PAUL CASSIDY'S
EVIDENTIARY OBJECTIONS

<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
<p>1 Cassidy on behalf of PPC</p> <p>2 Claim. Mr. Ramsey also</p> <p>3 mentioned in the same email</p> <p>4 that another advertiser he</p> <p>5 had been working</p> <p>6 "dropp[ed] ReachLocal</p> <p>7 completely" on account of</p> <p>8 Mr. Cassidy's activities.</p> <p>9 Attached hereto as Exhibit A</p> <p>10 is a true and correct copy of</p> <p>11 the email I received from</p> <p>12 Mr. Ramsey."</p>		
<p>14 Pages 1: 26- 2:3. ¶ 5:</p> <p>15 "On March 10, 2016, I</p> <p>16 emailed Mr. Ramsey asking</p> <p>17 whether any client</p> <p>18 relationships had been</p> <p>19 impacted due to Mr. Cassidy</p> <p>20 and PPC Claim. I also asked</p> <p>21 Mr. Ramsey to identify who</p> <p>22 the lost advertiser was. One</p> <p>23 day later, Mr. Ramsey</p> <p>24 informed me that GoMow</p> <p>25 was the customer who had</p> <p>26 left ReachLocal "over these</p> <p>27 issues," and that InLight</p> <p>28</p>	<p>Hearsay [Fed. R. Evid. 801].</p> <p>Speculation. [Fed. R. Evid. 602 and 901].</p> <p>Best Evidence Rule [Fed. R. Evid. 1002].</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p> <p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p> <p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>

1	<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
2	Gobos was scheduled to		
3	meet Mr. Ramsey "to discuss		
4	PC Claim matters." Attached		
5	hereto as Exhibit B is a true		
6	and correct copy of my email		
7	exchange with Mr. Ramsey.”		
8	Page 2 :4-6. ¶ 6:	Hearsay [Fed. R. Evid. 801].	<input type="checkbox"/> Sustained
9	“In or around April 15, 2016,		<input type="checkbox"/> Overruled
10	I learned from Mr. Ramsey		
11	that both GoMow and	Speculation. [Fed. R. Evid. 602 and	<input type="checkbox"/> Sustained
12	InLight Gobos has	901].	<input type="checkbox"/> Overruled
13	terminated their business		
14	with Compass Point		
15	ReachLocal due to Mr.		
16	Cassidy's activities.”		
17	Page 2:7-10. ¶ 7:	Hearsay [Fed. R. Evid. 801].	<input type="checkbox"/> Sustained
18	“On May 12, 2016, I		<input type="checkbox"/> Overruled
19	informed my colleague,		
20	Allie Byrd, who had earlier	Speculation. [Fed. R. Evid. 602 and	<input type="checkbox"/> Sustained
21	seen on maternity leave	901].	<input type="checkbox"/> Overruled
22	between February and April		
23	2016, that both GoMow and		
24	InLight Gobos had stopped		
25	using ReachLocal products		
26	after receiving		
27	communications from		
28			

<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
Kieran Cassidy and PPC Claim.”		
Exhibit A	Hearsay [Fed. R. Evid. 801].	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
	Speculation. [Fed. R. Evid. 602 and 901].	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Exhibit B	Hearsay [Fed. R. Evid. 801].	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
	Speculation. [Fed. R. Evid. 602 and 901].	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

**EVIDENTIARY OBJECTIONS TO THE
DECLARATION OF KRIS BARTON**

<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
Page 1:14-16. ¶ 3. “All employees are required to sign non-disclosure agreements that preclude their disclosure of ReachLocal’s	Chief product officer speculates on a comprehensive evaluation of Plaintiff’s human resources practices. Assumes facts not in evidence Lacks personal knowledge and foundation [Fed. R. Evid. 602	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

1	<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
2			
3	confidential information	and 901].	
4	to unauthorized persons.”		
5			
6	Pages 1:25 2:5. ¶ 5.	Assumes knowledge of the practices	<input type="checkbox"/> Sustained
7	“The search engines do	of the search engines beyond the	<input type="checkbox"/> Overruled
8	not charge for keywords	company’s relationship. Assumes	
9	unless a user clicks on a	knowledge of the mechanics of	
10	paid advertisement that	another company’s pricing methods.	
11	was generated by a search	Mischaracterizes all of Plaintiff’s	
12	using that keyword. The	team as “experienced” without	
13	price per click is	product the education or work	
14	determined based upon	background of any team members.	
15	the results of the auction	Assumes knowledge how each team	
16	process. ReachLocal’s	actually builds keyword lists. Offers	
17	experienced team builds	conclusory statement regarding the	
18	keyword lists for each	proprietary nature of Plaintiff’s	
19	client campaign, taking	technology without providing	
20	into account, among other	substantiation. Assumes Plaintiff’s	
21	things, the client’s	technology sets maximum bids for	
22	products and services, the	each keyword without providing	
23	target customers’	comparisons with the results of other	
24	interests, and the location.	available technologies. Assumes	
25	ReachLocal also targets	facts not in evidence. Improper	
26	the campaign to the	characterization of evidence. Lacks	
27	specific geolocation of the	personal knowledge and foundation	
28			

1	<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
2			
3	Score” is a variable		
4	calculated by the search		
5	engine based on a number		
6	of factors including, but		
7	not limited to, expected		
8	click-through rate,		
9	landing page load time,		
10	landing page quality and		
11	geographical		
12	considerations.”		
13			
14	Page 2:14-19. ¶ 7.	Speculates on the operations of the	<input type="checkbox"/> Sustained
15	“In situations where there	search engine without providing any	<input type="checkbox"/> Overruled
16	are multiple ad spots,	facts substantiating such	
17	there can be multiple	functionality. Assumes facts not in	
18	auction winners whose	evidence. Improper characterization	
19	positions on the page are	of evidence. Lacks personal	
20	influenced by the amount	knowledge and foundation [Fed. R.	
21	each has bid and the	Evid. 602 and 901].	
22	“Quality Score.” The bid		
23	and “Quality Score” are	Improper expert testimony.	<input type="checkbox"/> Sustained
24	used to give each	[Fed. R. Evid. 701-703.]	<input type="checkbox"/> Overruled
25	advertiser's advertisement		
26	an ad rank. The ad with		
27	the highest ad rank shows		
28			

<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
up first. Search engines like Google do not typically publish the formulas for their Quality Scores.”		
Page 2:20-24. ¶ 8. “Search engines employ a number of procedures to monitor and prevent invalid click activity. Google defines invalid click activity, which is sometimes called “click fraud,” as any clicks or impressions that may artificially inflate an advertiser’s costs or publisher’s earnings. Invalid activity covers intentionally fraudulent activity as well as accidental clicks.”	Speculates on the operations of search engines. Interprets Google company policies without any support substantiating such interpretations. Assumes facts not in evidence. Lacks personal knowledge and foundation [Fed. R. Evid. 602 and 901]. Best Evidence Rule [Fed. R. Evid. 1002]. Improper expert testimony. [Fed. R. Evid. 701-703.] Hearsay [Fed. R. Evid. 801].	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Pages 2:25-28-3:9. ¶ 9.	Hearsay [Fed. R. Evid. 801].	<input type="checkbox"/> Sustained

<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
<p>“Google’s policies provide: “Clicks on user ads must result from genuine interest, and any method that artificially generates clicks or impressions is strictly prohibited by our program policies.” To prevent advertisers from being charged for invalid click activity, Google may disable its advertising service to sites where invalid click activity is detected.”</p>	<p>Offers conclusory statements regarding Google’s operations and policy without any support.</p> <p>Assumes facts not in evidence.</p> <p>Improper characterization of evidence. Lacks personal knowledge and foundation [Fed. R. Evid. 602 and 901].</p> <p>Best Evidence Rule [Fed. R. Evid. 1002].</p> <p>Improper expert testimony. [Fed. R. Evid. 701-703]</p>	<p><input type="checkbox"/> Overruled</p> <p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p> <p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p> <p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>
<p>Exhibit 1</p>	<p>Hearsay [Fed. R. Evid. 801].</p> <p>Lacks Foundation [Fed. R. Evid. 901].</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p> <p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>

<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
Exhibit 2	Hearsay [Fed. R. Evid. 801].	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
	Lacks Foundation [Fed. R. Evid. 901].	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

**EVIDENTIARY OBJECTIONS TO THE
DECLARATION OF PARAS MANIAR**

<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
The entire declaration.	The entire “declaration” is unsigned and is therefore not a declaration.	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Page 1: 24-28 Page 2: 1-2. ¶ 5: “With respect to the 35 Reported Contacts, the additional time spent by myself, Ms. Seikely, Ms. Rowlands and Mr. Naliboff, together with the addition efforts and time spent by ReachLocal’s sales force to investigate the	Offers conclusory statements on the purported effect of Defendants’ alleged actions. Speculates on additional “burden” of servicing clients without providing an indicia of support regarding any additional work and without quantifying such “burden” in any way. Assumes facts not in evidence. Improper characterization of evidence. Misstates testimony. Lacks personal knowledge and foundation.	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
concerns, formulate explanations and data to allay the concerns, engage in email, telephonic and in-person meetings to repair relationships, made those contracts more burdensome and costly for ReachLocal because they required more time and effort to service.”	[Fed. R. Evid. 602 and 901]. Improper expert testimony. [Fed. R. Evid. 701-703].	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

**EVIDENTIARY OBJECTIONS TO THE
DECLARATION OF MATT RAMSEY**

<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
Page 1: 11-22. ¶ 3: “The email included a communication she received from Kieran Cassidy on behalf of PPC Claim. Ms. Hutton asked me to investigate the allegations brought forth by Mr. Cassidy. When I received this email, I	Hearsay [Fed. R. Evid. 801]. Offers Declarant’s concerns as facts. Assumes facts not in evidence. Improper characterization of evidence. Lacks personal knowledge and foundation [Fed. R. Evid. 602 and 901].	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

1	<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
2	immediately forwarded it	Best Evidence Rule [Fed. R. Evid. 1002].	<input type="checkbox"/> Sustained
3	to Mr. Dollar at		<input type="checkbox"/> Overruled
4	ReachLocal because I was		
5	concerned that InLight		
6	Gobos was being		
7	adversely impacted due to		
8	Mr. Cassidy's allegations		
9	against ReachLocal. In the		
10	March 2 email to Mr.		
11	Dollar, I forwarded		
12	Ms. Hutton's		
13	communication about Mr.		
14	Cassidy and wrote: "We've		
15	had one customer (who		
16	has been with RL for I'm		
17	guessing 4-5 years) drop		
18	RL completely this week.		
19	Another one, below, is		
20	questioning continuing		
21	with RL as well." I was		
22	referring to GoMow and		
23	InLight Gobos,		
24	respectively. Attached		
25	hereto as Exhibit A is a		
26	true and correct copy of		
27	my email to Mr. Dollar."		
28			

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<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
Page 1:23-29. ¶ 4: “On March 10, 2016, I received an email from Mr. Dollar asking me whether any client relationships have been impacted due to PPC Claim and Mr. Cassidy. He pointed out that I had already confirmed one lost customer and asked me to identify who that was. I responded to Mr. Dollar on March 11, in which I said: “InLight Gobos is coming to our office on Monday to discuss PPC Claims matters. GoMow is the other customer who left over these issues.” Attached hereto as Exhibit B is a true and correct copy of my email to Mr. Dollar.”	Hearsay [Fed. R. Evid. 801]. Speculates on causal relationship between the purported effects of Defendants’ alleged actions. Assumes facts not in evidence. Improper characterization of evidence. Misstates testimony. Lacks personal knowledge and foundation [Fed. R. Evid. 602 and 901]. Best Evidence Rule [Fed. R. Evid. 1002].	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Page 2:3-8. ¶ 6:	Hearsay [Fed. R. Evid. 801].	<input type="checkbox"/> Sustained

<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
<p>1 “On April 15, I learned</p> <p>2 that InLight Gobos</p> <p>3 terminated its relationship</p> <p>4 with Compass Point and</p> <p>5 ceased using ReachLocal</p> <p>6 products. At this time, I</p> <p>7 understood that Inlight</p> <p>8 Gobos terminated its</p> <p>9 business in part due to</p> <p>10 Mr. Cassidy's activities. I</p> <p>11 subsequently informed</p> <p>12 Mr. Dollar that both</p> <p>13 InLight Gobos and</p> <p>14 GoMow had terminated</p> <p>15 their business with</p> <p>16 Compass Point and</p> <p>17 ReachLocal due to Mr.</p> <p>18 Cassidy's activities.”</p>	<p>Offers impressions of hearsay</p> <p>regarding motivations for termination</p> <p>as fact to third party. Assumes facts not</p> <p>in evidence. Improper characterization</p> <p>of evidence. Misstates testimony.</p> <p>Lacks personal knowledge and</p> <p>foundation [Fed. R. Evid. 602 and</p> <p>901].</p> <p>Best Evidence Rule [Fed. R. Evid.</p> <p>1002].</p>	<p><input type="checkbox"/> Overruled</p> <p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p> <p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>
<p>20 Page 2: 9-12. ¶ 7:</p> <p>21 “On August 2, I spoke on</p> <p>22 the phone with Ms. Byrd at</p> <p>23 ReachLocal about the</p> <p>24 Go Mow and InLight</p> <p>25 Gobos accounts. During</p> <p>26 that call, I again confirmed</p> <p>27 to her that both GoMow</p>	<p>Hearsay [Fed. R. Evid. 801].</p> <p>Offers impressions of hearsay</p> <p>regarding motivation for termination as</p> <p>fact to third party. Assumes facts not in</p> <p>evidence. Improper characterization of</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p> <p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>

<u>Evidence</u>	<u>Objection</u>	<u>Ruling</u>
and InLight Gobos had terminated their contracts because of Mr. Cassidy's communications to them.”	evidence. Misstates testimony. Lacks personal knowledge and foundation [Fed. R. Evid. 602 and 901]. Best Evidence Rule [Fed. R. Evid. 1002].	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Page 2: 14-16. ¶ 8: “During that call, I again confirmed to him my understanding that both GoMow and InLight Gobos had terminated their contracts because of Mr. Cassidy's communications to them.”	Hearsay [Fed. R. Evid. 801]. Offers impressions of hearsay regarding motivation for termination as fact to third party. Assumes facts not in evidence. Improper characterization of evidence. Misstates testimony. Lacks personal knowledge and foundation [Fed. R. Evid. 602 and 901]. Best Evidence Rule [Fed. R. Evid. 1002].	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled <input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

RAINES FELDMAN LLP

DATED: September 19, 2016

By: /s/ Erik Syverson
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Kieran Cassidy and PPC Claim